

CALENDAR ITEM

C10

A 25, 29

PRC 8520

12/14/06

S 14

WP 8520.9

M. Hays

**CONSIDER ACCEPTANCE OF LEASE QUITCLAIM DEED,
TERMINATION OF A GENERAL LEASE – RIGHT OF WAY USE AND
THE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE**

LESSEES:

James Moen, Carolyn Moen, Paul C. Moen, Susan E. Moen,
Elizabeth M. Voge, Mark A Voge, and Calaveras Materials, Inc.

APPLICANT:

San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93627

AREA, LAND TYPE, AND LOCATION:

0.76 acres, more or less, of sovereign lands in the bed of the San Joaquin River,
near the city of Fresno, Madera County.

AUTHORIZED USE:

Use and maintenance of an existing river channel crossing as shown on
Exhibit A.

LEASE TERM:

Ten years, beginning January 1, 2007.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a
monetary rent if the Commission finds such action to be in the State's best
interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

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OTHER PERTINENT INFORMATION:

1. On April 5, 2004, the Commission authorized a General Lease - Right of Way Use with the Lessees. That lease is scheduled to expire December 31, 2007. On November 18, 2005, the San Joaquin River Conservancy (Conservancy) acquired the uplands adjacent to the lease premises, including Sycamore Island, from the Moen family.
2. Calaveras Materials, Inc. (Calaveras) leased lands along the San Joaquin River, including Sycamore Island, from the Moen family for its gravel mining operation, which is no longer operating and is currently completing its obligations under the Surface Mining and Reclamation Act. The gravel mining operation uses four unpermitted river crossing structures, including two metal bridges and two earthen land bridges, for access to its operations. In an effort to resolve issues involving the crossings, the Commission brought the crossings under Lease No. PRC 8520.9. Pursuant to that lease, the Moens and Calaveras agreed to work plans for the removal and/or remediation of the river crossing structures. The final work plans were approved by the Commission on October 20, 2005, and the removal/remediation work occurred over a six-week period ending in mid-February 2006. All of the river crossings have been removed except the northerly river crossing (north channel) which will be maintained by the Conservancy, as the north channel crossing is the only access to Sycamore Island. Commission staff has inspected the removal/remediation work and has deemed the work as complete and is now recommending that the Commission, in conjunction with issuing a new lease to the Conservancy for the north channel crossing, accept a lease quitclaim deed and terminate Lease No. PRC 8520.9.
3. The former Moen property acquired by the Conservancy includes 347 acres of riparian woods and gravel mine ponds along the San Joaquin River and is now managed through an agreement between the Conservancy and the San Joaquin River Parkway and Conservation Trust. The north channel crossing is an earthen covered culvert crossing that provides the only public access to Sycamore Island for fishing, recreation, and management of wildlife habitat. The Conservancy is now applying for a new General Lease - Public Agency Use for the existing north channel crossing as shown on Exhibit A.

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4. **Acceptance of Lease Quitclaim Deed and Termination of Existing Lease:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

Issuance of New Lease:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

ACCEPTANCE OF A LEASE QUITCLAIM DEED AND TERMINATION OF EXISTING LEASE:

CALENDAR ITEM NO. **C10** (CONT'D)

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW LEASE:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

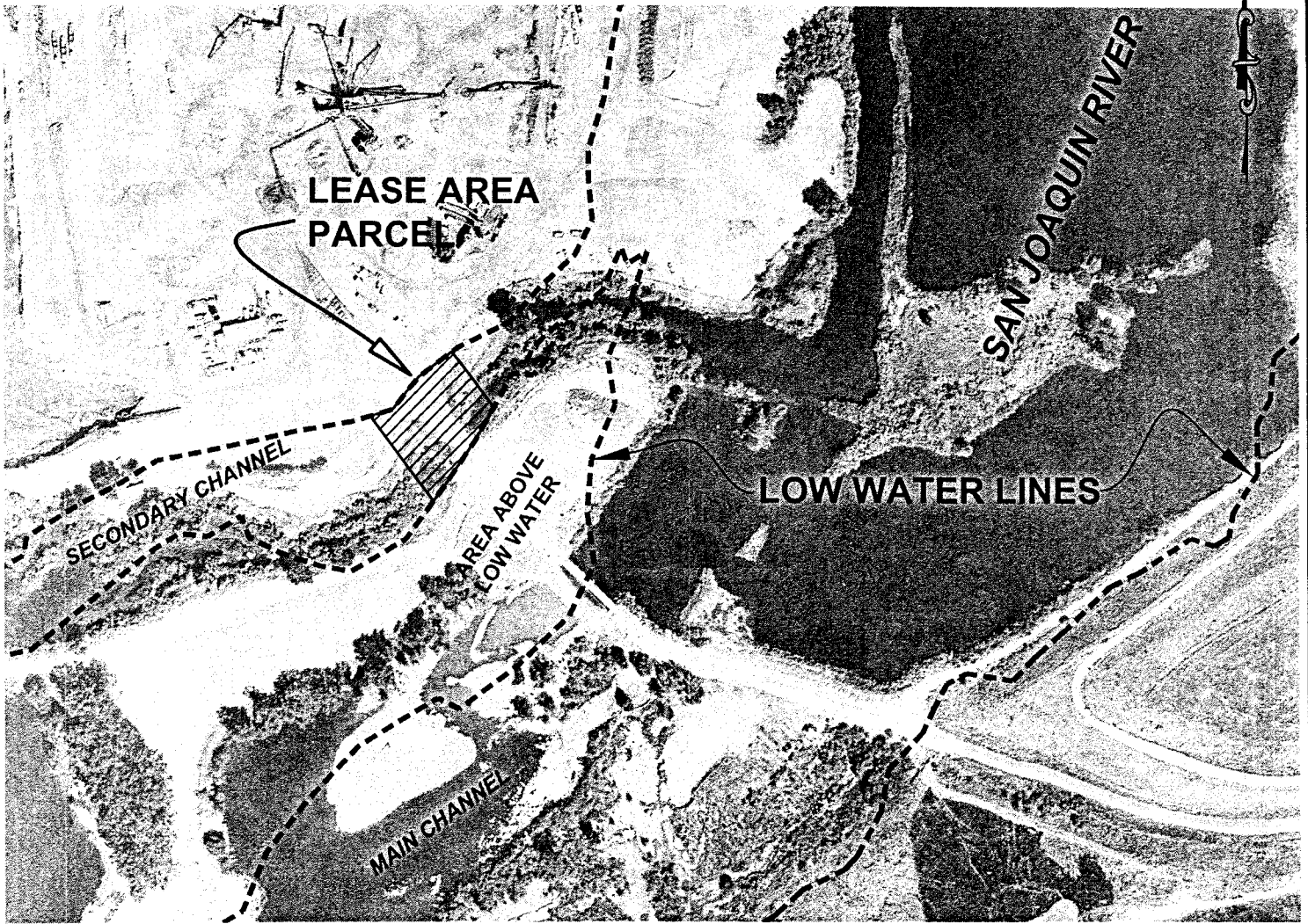
AUTHORIZATION:

AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED AND TERMINATION OF A GENERAL LEASE - RIGHT OF WAY USE LEASE NO. PRC 8520.9, AUTHORIZED ON APRIL 4, 2004, AND AMENDED ON APRIL 26, 2005, AND OCTOBER 20, 2005, EFFECTIVE UPON EXECUTION BY THE CONSERVANCY AND THE COMMISSION OF A NEW LEASE TO THE SAN JOAQUIN RIVER CONSERVANCY FOR THE NORTHERN CHANNEL RIVER CROSSING.

AUTHORIZE ISSUANCE TO THE SAN JOAQUIN RIVER CONSERVANCY OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING JANUARY 1, 2007, FOR A TERM OF TEN YEARS, FOR THE USE AND MAINTENANCE OF AN EXISTING RIVER CHANNEL CROSSING AS SHOWN ON EXHIBIT A ATTACHED AND AS DESCRIBED ON EXHIBIT B AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

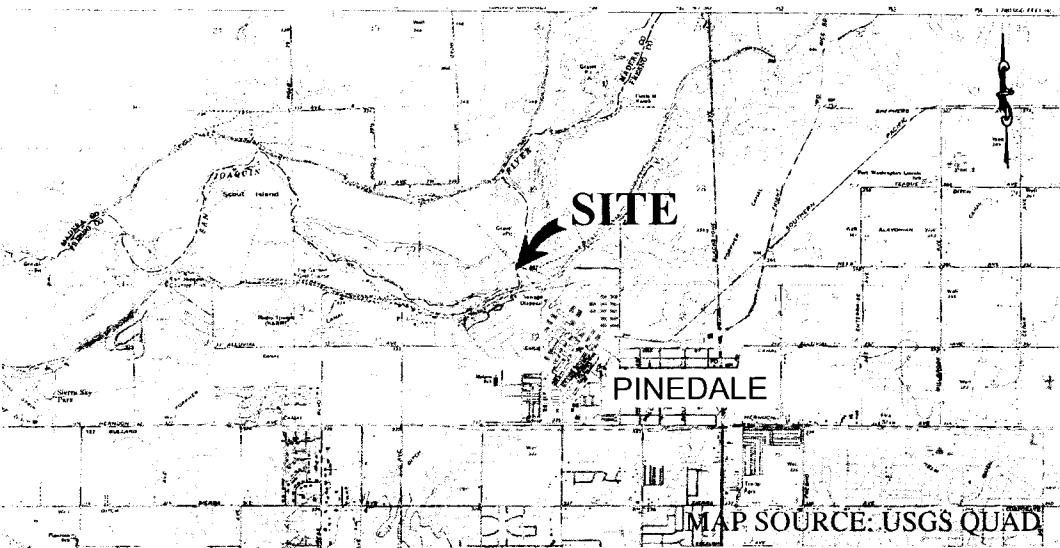
SITE



SAN JOAQUIN RIVER CONSERVANCY SAN JOAQUIN RIVER CROSSING

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

WP 8520.9
GENERAL LEASE
PUBLIC AGENCY USE
MADERA COUNTY



EXHIBIT B

WP 8520.9

LAND DESCRIPTION

A strip of state sovereign land 200 feet wide situated in Madera County, State of California, being in and adjacent to the San Joaquin River, also lying within and adjacent to fractional Section 29, T12S, R20E, MDM, according to the U.S. Government Township Plat approved June 26th, 1874 and lying 100 feet on each side of the following described centerline:

BEGINNING at a point on the low water line on the left bank of the San Joaquin River as shown on sheet 11 of Administrative Map San Joaquin River, dated April 1992, on file under W20473 in the office of the California State Lands Commission, said point being a distant S17°48'39"E 5229.18 feet from a found 2 1/8" O.D. Iron Pipe at the Northeast Corner of Section 30, T12S, R20E, MDM, as shown on Madera County Corner Record, said point having California Coordinate System 1983, Zone 4 grid coordinates of North = 2194586.957 feet, East = 6323341.420 feet; thence N36°58'22"W 167.95 feet more or less to the low water line on the right bank of the San Joaquin River as shown on said Administrative Map.

The sidelines of said strip shall be extended or shortened so as to terminate at said low water lines of said river.

EXCEPTING THEREFROM any portion lying landward of said low water line of said Administrative Map.

The Basis of Bearing for this description is California Coordinate System of 1983, Zone 4. All Bearings and Distances are Grid and in Feet.

Prepared November 20, 2006 by the Boundary Unit of the California State Lands Commission.

END OF DESCRIPTION



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